

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 25, 2008

MEMO ENDORSED

By Hand

Hon. Denise L. Cote
United States District Judge
United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

Re: Juan Tavera v. Astrue
07 Civ. ~~3360~~ (DLC)
3660

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/4/08

Dear Judge Cote:

This Office represents the Commissioner of Social Security, defendant in this action. We write respectfully to request an adjournment of the Court's briefing schedule.

By order dated December 11, 2007, the Court ordered that if either party wished to make a motion, it was due by January 25, 2008. This Court further ordered that any opposition to a party's motion was due by February 22, 2008, and any reply was due by March 7, 2008. While drafting defendant's brief, however, we encountered an issue that required this Office to seek further information from the agency. We have asked the Social Security Administration to provide us with an answer to our concerns, which could result in change of the defendant's litigation position in this action. In view of the foregoing, we respectfully request that the Court approve the following schedule:

Defendant will serve a motion by February 22, 2008;

Plaintiff will serve a cross-motion or opposition to defendant's motion by March 21, 2008;

Defendant's reply, if any, is due on April 4, 2008.

Personnel in this Office attempted several times over the past week to reach plaintiff to seek his consent to this adjournment, but they were unsuccessful in their efforts. There have been no previous requests for an adjournment of the briefing schedule in this case.

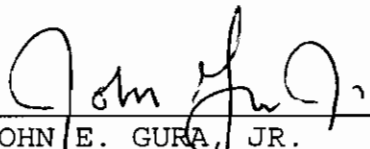
Granted.
Denise Cote
July 4, 2008

We apologize to the Court for the delay in making this request, and thank the Court its consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



JOHN E. GURA, JR.
Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750

cc: Juan Tavera
(By Mail)

COPIES SENT TO:

Juan Taveras
507 West 184th St. #21
New York, NY 10033

John E. Gura
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, NY 10007